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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,089	10/23/2001	William A. Fischer	10017888 -1	9254

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/004,089

Applicant(s)

FISCHER, WILLIAM A.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,24-27 and 33-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17,24-27 and 33-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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- This action is responsive to the amendment and remarks file on 3/1/07.
- Claims 1-17, 24-27, 33-36 are amended are for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed s 3/1/07 have been fully considered but they are not persuasive.

Applicant argued that the newly amended independent claims also now include configuring a “unique” user interface containing respective functions of each device of the computer-assisted equipment and functions of the remote computer and displaying the unique user interface on each respective device of the computer assisted equipment.

Examiner respectfully traversed the argument. Kusano disclosed the computer-assisted equipment (CE, such as digital TV sets, DVD player.,etc.) comprising a unique user interface that contains functions (each device receive information according to their own preferences, refer to 0009 and 0032) of each device of said computer-assisted equipment and functions of the remote computer (receiving sources from the remote computer/web server, and 0032); and

displaying the unique user interfaces on each respective device of the computer assisted equipment (refer to 0009).

Applicant further indicate the art of record indicates the reference Kusano requires one consistent user interface as software operating on a central computer and “not” unique and different user interfaces that reside and operate on the individual devices.

Examiner respectfully traversed the argument. Kusano comprising interface that is unique because it is able to receive all type of data sources and converted it and presented to the user.

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Therefore, that makes the interface unique. Further, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., unique interface) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-17, 24-27, 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is nowhere to be found that the computer-assisted equipment "comprising plural electronics devices, etc.". Further, there is nowhere to be found a "unique" user interface indicated in the specification, (LW)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 24-26 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusano et al hereinafter Kusano (US 2003/0074421).

1. Referring to Claims 1, 10, 24, and 33, Kusano disclosed a method of configuring a user interface of computer-assisted equipment (CE, 12 and 14 in Fig 1, refer to 0002) according to a service program, comprising the steps of: said computer-assisted equipment transmitting a message (request, refer to 0003) to a remote computer (web server, 16, refer to 0044); said remote computer determining that said service program available on said remote computer is suitable for use with said computer-assisted equipment, said determining being based on said message (refer to 0016 and 0032); and said remote computer influencing operation of said user interface of said computer-assisted equipment, said determining being based on said message (refer to 0016 and 0029); and said remote computer influencing operation of said user interface of said computer-assisted equipment in accordance with said service program (refer to 0027, 0028, and 0031). The computer-assisted equipment (CE, such as digital TV sets, DVD player.,etc.) comprising a unique user interface that contains functions (each device receive information according to their own preferences, refer to 0009) of each device of said computer-assisted equipment and functions of the remote computer (receiving sources from the remote computer/web server); and

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displaying the unique user interfaces on each respective device of the computer assisted equipment (refer to 0009, 0033).

4. Referring to Claim 2, Kusano disclosed wherein said computer-assisted equipment provides entertainment (refer to 0033).

5. Referring to Claim 3, Kusano disclosed wherein said computer-assisted equipment is an audio reproduction system (refer to 0033).

6. Referring to Claim 4, Kusano disclosed wherein said computer-assisted equipment is a remote control device that controls functions of a video entertainment system (DVD player, refer to 0037, and 0010), said video entertainment system receiving content from said remote computer (refer to 0039).

7. Referring to Claim 5, Kusano disclosed wherein said determining step includes said remote computer informing said computer-assisted equipment that at least one additional service program is available (refer to 0044), said computer-assisted equipment selecting from among said service program and said at least one additional service program (refer to 0044).

8. Referring to Claim 6, Kusano disclosed additionally comprising said remote computer receiving a selection (refer to 0015) from said computer-assisted equipment, said selection

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indicating which of said service program and said at least one additional service program a user has selected (refer to 0008).

9. Referring to Claim 7, Kusano disclosed wherein said remote computer is a general- purpose computer (server is a computer, refer to 0011).

10. Referring to Claim 8, Kusano disclosed wherein said message (request, refer to 0038) is a service request that indicates that said computer-assisted equipment is ready to operate cooperatively with said remote computer (ready to receive the request).

11. Referring to Claim 9, Kusano disclosed further comprising said remote computer transmitting content to said computer-assisted equipment under the control of said service program (refer to 0038-0041).

13. Referring to Claim 12, Kusano disclosed wherein said remote computer is one of a portable and a desktop computing device (server is a computer, refer to 0011).

14. Referring to Claim 13, Kusano disclosed wherein said appliance is an audio system that conveys music, and wherein said content includes a music file (refer to 0044).

15. Referring to Claim 14, Kusano disclosed indicates the user input is a selection of a title of said music file (refer to 0045).

16. Referring to Claim 15, Kusano disclosed wherein said service program includes instructions that enable said audio system which the select a title of said music file (refer to 0045).

15. Referring to Claim 11, Kusano disclosed wherein said service request includes an indication that said computer-assisted appliance is available and is ready to receive said service program (for communication between two devices to start, an indicate must be made).

16. Referring to Claim 25, Kusano disclosed wherein said determining step includes receiving a selection as to which service program (songs/mp3 file, album) has been selected by a user of said computer-assisted equipment (refer to 0045).

17. Referring to Claim 16, Kusano disclosed wherein said service program influences the function of a display located on said computer-assisted appliance (refer to 0045).

18. Referring to Claim 17, Kusano disclosed wherein said service program influences a function of a remote control device used to control an entertainment device (refer to 0045).

19. Referring to Claim 26, Kusano disclosed wherein said remote computer is interfaced to a network and wherein said remote computer communicates with a network location available on said network (refer to 0049).

21. Referring to Claim 34, Kusano disclosed one or more computer-readable media , wherein said receiving a service query step includes receiving an indicator that informs said computer of a function performed by said computer-assisted appliance (refer to 0045-0049).

22. Referring to Claim 35, Kusano disclosed one or more computer-readable media, wherein said determining step includes said computer searching through a list of service programs (refer to 0049).

23. Referring to Claim 36, Kusano disclosed one or more computer-readable media, wherein said method further comprises said computer-assisted appliance prompting said user for said input (refer to 0044).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano et al hereinafter Kusano (US 2003/0074421) in view of Official Notice.

20. Referring to Claim 27, Kusano disclosed wherein said transmitting step is accomplished by way of transmitting said interface instruction (refer to 0015)

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Kusano did not indicate the transmitting the interface instruction utilizing a wireless interface.

Official Notice is taken that it is obvious for ordinary skill in the art to utilizing the wireless interface to transmit instruction between two devices.

It would have been efficient to utilize the wireless technology so users can be provided a wireless communication thus they can be anywhere they wish to be.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT


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